

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 19, 2006

The Marlboro Township Council held its regularly scheduled meeting on October 19, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli. (Absent: Cantor.)

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of September 7, and September 21, 2006 be approved. This motion was seconded by Council President Morelli and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

The following Resolution #2006-364/Ordinance #2006-32 (Public Hearing held & closed, tabled 10/5 - Amending Section 84-29B - Rezoning Certain Lots to C-4) was introduced by reference offered by Councilman Pernice and seconded by Councilwoman Tragni. Discussion followed, during which Township Planner Jennifer Beahm answered all questions and explained the

reasons for the rezoning. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-364

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE C-4 REGIONAL COMMERCIAL ZONE DISTRICT

which was introduced on September 21, 2006, public hearing held October 5th be adopted on second and final reading this 19th day of October, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-30 (Zone Change Bluh & Batelli). After the Public Hearing was held and closed, discussion followed. After discussion, the following Res. #2006-376/Ord. #2006-30 (Zone Change Bluh & Batelli) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-376

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-30

AN ORDINANCE REPEALING ORDINANCE #2000-03 AND ORDINANCE #2000-04 AND ADDING A NEW SECTION 84-48.6 "MFD-III MULTIFAMILY DISTRICT", ARTICLE III "ZONING: STANDARDS AND REGULATIONS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on September 21, 2006, public hearing held October 19th be adopted on second and final reading this 19th day of October, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council took a 10-minute recess.

Council President Morelli opened the Public Hearing on Ordinance # 2006-33 (As Amended) Stormwater Impact or Improvement Fund). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-377/Ord. #2006-33 (Amending Stormwater Impact or Improvement Fund) was introduced by reference as amended, offered by Councilman Pernice and seconded by Councilman Rosenthal. Discussion followed, during which Township Planner Jennifer Beahm explained answered all questions. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-377

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-33 (As Amended)

AN ORDINANCE ADDING A NEW SECTION 84-14.4 "STORMWATER IMPROVEMENT FEES" TO ARTICLE II "LAND USE PROCEDURES", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on October 5, 2006, public hearing held October 19th be adopted on second and final reading this 19th day of October, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-34 (Amending Background Checks for Recreation Volunteers). As there was no one who wished to speak, the Public Hearing was closed. The following Res.

#2006-378/Ord. #2006-34 (Amending Background Checks for Recreation Volunteers) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-378

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-34

AN ORDINANCE AMENDING CHAPTER 56 "CRIMINAL BACKGROUND CHECKS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on October 5, 2006, public hearing held October 19th be adopted on second and final reading this 19th day of October, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-35 (Amending Stormwater Management Plan). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-379/Ord. #2006-35 (Amending Stormwater Management Plan) was introduced by reference, offered by Council President Morelli and seconded by Councilman Rosenthal. Township Planner Jennifer Beahm explained that the County had requested the change. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-379

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-35

AN ORDINANCE DELETING SECTION 84-104 "STORMWATER MANAGEMENT", ARTICLE VIII "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

AND ADOPTING NEW SECTIONS 84-104 THROUGH 84-104.11
CONCERNING STORMWATER MANAGEMENT

which was introduced on October 5, 2006, public hearing held October 19th be adopted on second and final reading this 19th day of October, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-36 (Acquisition of Property - B. 120, Lot 36 - Geoghegan Property). Tim Cleary - 85 Tennent Road - asked for information on the location of the property. Council members responded. As there was no one else who wished to speak, the Public Hearing was closed. The following Res. #2006-380/Ord. #2006-36 (Acquisition of Property - B. 120, Lot 36 - Geoghegan Property) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-380

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-36

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO PURCHASE THE PROPERTY LOCATED AT 82 TENNENT ROAD, MARLBORO TOWNSHIP, BLOCK 120, LOT 36 FOR PUBLIC PURPOSES

which was introduced on October 5, 2006, public hearing held October 19th be adopted on second and final reading this 19th day of October, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2006-381 (Supporting Legislation for CAP Relief) was introduced by reference offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-381

RESOLUTION FOR RELIEF FROM THE MUNICIPAL CAP LAW

WHEREAS, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief Fund, funded by New Jersey's first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey's FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being a part of the short term relief component; and

WHEREAS, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of 'cap banking,' which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor's Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens' public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal budget makers to meet the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bills (A-3444/S-2183) would: first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance and employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2004, the effective date of P.L. 2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the 'cap banking' problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs; now therefore be it

RESOLVED, that the Mayor and Township Council do fully support and urge swift and favorable action on A-3444/S-2183; and be it further

RESOLVED, that we do respectfully request an amendment to the bill to restore 'cap banking' to its previous status, as it existed prior to the 2004 amendments; and be it further

RESOLVED, that copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

Council President Morelli recused herself and left the room Councilman Pernice chaired the meeting for this resolution. The following Resolution #2006-382 (Place to Place Transfer - Expansion of Patio - BTA LLC (Pino's)) was introduced by reference offered by Councilman Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Morelli).

RESOLUTION # 2006-382

A RESOLUTION APPROVING THE PLACE-TO-PLACE LIQUOR
LICENSE TRANSFER OF B.T.A., LLC (D/B/A FAMOUS PINO'S
LAFORCHETTA) TO EXPAND ITS LICENSED PREMISES

WHEREAS, B.T.A., LLC (d/b/a Famous Pino's LaForchetta) currently holds Plenary Retail Consumption License #1328-33-008-006 for certain premises located at 448 Highway 9 North, Marlboro, New Jersey 07746 (the "Licensed Premises"); and

WHEREAS, B.T.A., LLC submitted an "Application for Retail Alcoholic Beverage License" (the "Application"), which is attached hereto and incorporated herein, seeking the approval of a Place-to-Place Transfer to expand the Licensed Premises to include additional porch areas as depicted in the floor plan which is part of the attached Application (the "Porch Area"); and

WHEREAS, B.T.A., LLC has caused the required public notice to be published in the Asbury Park Press as confirmed by the attached Affidavit of Publication; and

WHEREAS, the Township Attorney has reviewed the Application and found it to be legally compliant; and

WHEREAS, the Township Council now desires to approve B.T.A., LLC's Application for a Place-to-Place Transfer to expand the Licensed Premises to include the Porch Area.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Application of B.T.A., LLC for a Place-to-Place Transfer to expand the Licensed Premises to include the Porch Area be and hereby is approved and the Municipal Clerk is authorized to take whatever steps necessary to effectuate the expansion of the Licensed Premises in accordance with this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. B.T.A., LLC
- b. New Jersey Division of Alcohol and Beverage Control
- c. Chief of Police

d. Gluck Walrath LLP

The following Resolution #2006-383 (Authorizing Grant Application - Marlboro Hospital) was introduced by reference offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-383

AUTHORIZE THE TOWNSHIP TO SUBMIT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) AN APPLICATION TO THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF) TO PERFORM ENVIRONMENTAL ASSESSMENTS AND INVESTIGATIONS AT THE PSYCHIATRIC HOSPITAL SITE

WHEREAS, the Hazardous Discharge Site Remediation Fund (HDSRF) was established to provide financial assistance to municipalities, businesses and homeowners for the investigation and/or remediation of suspected or known discharge of a hazardous substance; and

WHEREAS, municipalities performing a voluntary remediation, conducting remediation using an innovative technology, conducting a remediation resulting in a limited or unrestricted use determination, or meeting the innocent party criteria may apply for available grant funding from HDSRF; and

WHEREAS, municipal grants are available to conduct environmental assessments and investigations for real property in cases in which a municipality passes a resolution to acquire the property by voluntary conveyance for the purposes of redevelopment; and

WHEREAS, the Township of Marlboro intends to acquire the Marlboro Psychiatric Hospital site by voluntary conveyance for the purposes of redevelopment as outlined in the attached preliminary redevelopment plan; and

NOW, THEREFORE, BE IT RESOLVED, this 19th day of October, 2006 by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Township of Marlboro submit an HDSRF application to the NJDEP for funds in the amount of \$426,295.00 to conduct

environmental assessments and investigations at the Marlboro Psychiatric Hospital site.

The following Resolution #2006-384 (Award of Professional Service Contract - Birdsall - COAH) was introduced by reference offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-384

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL SERVICES FOR WORK RELATED TO MARLBORO TOWNSHIP'S PETITION FOR SUBSTANTIVE CERTIFICATION TO THE COUNCIL ON AFFORDABLE HOUSING (COAH)

WHEREAS, the Township of Marlboro is in need of professional services for work related to Marlboro Township's petition for substantive certification to the Council on Affordable Housing (COAH); and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated October 13, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$48,500.00; and

WHEREAS, the Chief Financial Officer has certified in writing that this proposal will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the proposal for an amount not to exceed \$48,500.00; and

BE IT FURTHER RESOLVED that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-18-56-858-028.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc., Eatontown, NJ
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2006-385 (Authorizing Settlement of Tax Appeal - Carissimo v. Township of Marlboro - B. 225, Lot 232) was introduced by reference offered by Council President Morelli, seconded by Councilman Rosenthal

and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-385

A RESOLUTION AUTHORIZING SETTLEMENT OF THE 2005 AND 2006 TAX APPEALS INVOLVING BLOCK 225, LOT 232, KNOWN AS 33 NORTH MAIN STREET IN THE TOWNSHIP OF MARLBORO

WHEREAS, appeals of the 2005 and 2006 real property tax assessments of Block 225, Lot 232, commonly known as 33 North Main Street, in the Township have been filed in the Tax Court of New Jersey in the matter known as Carissimo v. Township Marlboro; and

WHEREAS, said property is owned by Vito Carissimo and Louis Aiese; and

WHEREAS, settlement of the 2005 and 2006 appeals is in the best interest of the Township, as the Tax Assessor and Tax Appeal Counsel recommend settlement due to the favorable terms to the Township and to avoid the cost and uncertainty of further litigation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the tax appeals filed with the Tax Court of New Jersey challenging the assessed valuation of Block 225, Lot 232 is hereby authorized as follows:

2005 Original Assessment	- \$607,400
2005 Requested Assessment	- Withdrawn
2006 Original Assessment	- \$607,400
2006 Requested Assessment	- \$530,000

BE IT FURTHER RESOLVED, that this settlement is conditioned upon the taxpayer waiving any interest due on the refund of taxes; and

BE IT FURTHER RESOLVED, that the Tax Assessor is hereby authorized to apportion the value between the land and improvements for each settlement; and

BE IT FURTHER RESOLVED, that all municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Tax Assessor
- b. Township Administrator
- c. Dorsey and Semrau
- d. Gluck Walrath LLP

The following Resolution #2006-387 (Award of Bid - Janitorial Services - All Clean Building Services, Inc.) was introduced by reference offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-387

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
ALL CLEAN BUILDING SERVICES, INC. FOR THE PROVISION OF
JANITORIAL SERVICES FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide janitorial services for the Township of Marlboro Department of Public Works; and

WHEREAS, eight (8) bids were received by the following vendors in the following amounts:

- A. Truyillo Cleaning Services
646 A 3rd Street
Bridgewater, NJ 08807
\$59,100
- B. TME Building Maintenance, Inc.
504 Bloomfield Avenue, Montclair, NJ
\$67,510.27.00
- C. Guardian Service Industries, Inc.
161 Avenue of the Americas
New York, NY 10013
\$78,210.71

- D. All Clean Building Services, Inc.
990 Spruce Street, Lawrenceville, NJ
\$84,410.00
- E. The First Occupational Center of New Jersey
391 Lakeside Avenue
Orange, NJ 07050
\$89,552.00
- F. Maverick Building Services, Inc.
22 Chestnut Street, Rutherford, NJ
\$93,258.00
- G. Bailey's Square Janitorial Services, Inc.
16 South Street, Freehold, NJ
\$98,280.00
- H. Andrews & Company, LLC
46 Hampton House Road
Newton, NJ 07860
\$127,465.00; and

WHEREAS, the bids submitted by Truyillo Cleaning Service, Inc., TME Building Maintenance and Guardian Service Industry were subsequently withdrawn at the request of each respective vendor because these bidders did not meet the requirements of the bid specifications; and

WHEREAS, the Administration and the Township Attorney have reviewed said bids and found All Clean Building Services, Inc. to be the lowest qualified bidder submitting a conforming bid; and

WHEREAS, All Clean Building Services identified potential employees to staff the Township's account as required by the bid specifications and each said potential employee satisfactorily passed a background check and their references were checked as well; and

WHEREAS, the Administration and the Township Attorney recommend the contract for the provision of janitorial services for the Township of Marlboro Department of Public Works be awarded to All Clean Building Services, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award

the contract to the lowest qualified bidder, All Clean Building Services, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide janitorial services for the Township of Marlboro Department of Public Works should be awarded to All Clean Building Services, Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and All Clean Building Services, Inc. for the provision of janitorial services for the Township of Marlboro Department of Public Works subject to the rate set forth above and in accordance with the bid proposal submitted by All Clean Building Services, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-23-56-850-857 and 6-01-122-276; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. All Clean Building Services, Inc.
- b. Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution #2006-388 (Award of Bid - Improvements to Robertsville Rd. - Lucas Brothers) was introduced by reference offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-388

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO LUCAS BROTHERS, INC. FOR THE PROVISION OF VARIOUS PRODUCTS AND SERVICES IN CONNECTION WITH THE IMPROVEMENTS TO ROBERTSVILLE ROAD PROJECT

WHEREAS, the Township of Marlboro has authorized the acceptance of base bids as well as one alternate bid for the provision of various products and services in connection with the Improvements to Robertsville Road Project; and

WHEREAS, six (6) bids were received by the following vendors in the following amounts:

1. Lucas Brothers, Inc.
80 Amboy Road
Morganville, New Jersey 07751
Base Bid: \$174,825.00
Alternate Bid: \$ 21,555.00
Total: \$196,380.00
2. Earle Asphalt Company
P.O. Drawer 556
Farmingdale, New Jersey 07727
Base Bid: \$184,613.13
Alternate Bid: \$ 32,413.13
Total: \$217,026.26
3. Jads Construction Co., Inc.
P.O. Box 513
South River, New Jersey 08882
Base Bid: \$209,435.00
Alternate Bid: \$ 24,665.00
Total: \$234,100.00
4. Pioneer General Contracting Co., Inc.
1696 Englishtown Road
Old Bridge, New Jersey 08857
Base Bid: \$213,012.50
Alternate Bid: \$ 23,620.00
Total: \$236,632.50
5. DeFino Contracting Company
28 Industrial Drive
Cliffwood, New Jersey 07735
Base Bid: \$220,932.50
Alternate Bid: \$ 41,545.00
Total: \$262,477.50
6. Star of the Sea Concrete Corporation
448 Marlboro Road
Old Bridge, New Jersey 08857
Base Bid: \$272,126.00
Alternate Bid: \$ 53,040.00
Total: \$325,166.00

WHEREAS, the Township Engineer has reviewed said base bids and alternate bids and found that the bid submitted by Lucas Brothers, Inc. appeared reasonable in amount and recommended that the contract for the Base Bid be awarded to Lucas Brothers, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Administration and the Borough Attorney have reviewed said base bids and alternate bids and recommend that the contract for the Base Bid be awarded to Lucas Brothers, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract for the Base Bid to the lowest qualified bidder, Lucas Brothers, Inc., for the provision of the aforesaid products and services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of various products and services in connection with the Improvements to Robertsville Road Project be and hereby is awarded to Lucas Brothers, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Brothers, Inc., for the provision of said products and services in an amount not to exceed \$174,825.00 and in accordance with the bid proposal submitted by Lucas Brothers, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the award of said contract is subject to the approval of the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-943-803 and X-04-55-959-938; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Brothers, Inc.
- b. Township Engineer

- c. Department of Public Works
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP

The following Resolution #2006-389 (Dedication by Rider - Sales Tax) was introduced by reference offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-389

WHEREAS, the State of New Jersey has increased the sales tax to 7%, and expanded the scope of items subject to sales tax to include items found in the daily operations of municipal and county governments and other non profit organization which were previously exempt from such tax, and

WHEREAS, the Township of Marlboro has been notified that it is responsible for collecting sales tax on both Swim Utility Membership fees and Annual or Monthly Parking Permits, and

WHEREAS, the State of New Jersey has instructed the Township that such sales tax should be deposited into and paid from a dedicated Trust Fund, and

WHEREAS, the Township must request approval to spend funds deposited into a Township Trust Fund by means of a "Dedication by Rider".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey, that the collection of sales tax on the aforementioned items is hereby acknowledged and the approval of a "dedication by Rider" is hereby requested from the Director of the Division of Local Government Services, Department of Community Affairs for the collection and disbursement of sales tax on behalf of the State of New Jersey.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice,

seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2006-390 (Refunds for Overpayments - Various), Res. #2006-391 (Refund - B. 360.02, Lot 18.26), Res. #2006-392 (Refund - B. 160.03, Lot 13), Res. #2006-393 (Refund - B. 299, Lot 1), Res. #2006-394 - Refund - B. 355, Lot 3.01), Res. #2006-395 (Cancel Taxes - Midway Mobile - B. 147, L. 43), Res. #2006-396 (Tax Sale - B. 279, L. 13), Res. #2006-397 (Authorizing Cancellation Uncollectible Taxes), Res. #2006-398 (Authorizing Cancellation Taxes B. 159, L. 10.20) and Res. #2006-399 (Widow of Veteran Deduction - B. 371, L. 230).

RESOLUTION # 2006-390

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2006, and,

WHEREAS, the 2006 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$23,735.91 to the respective taxpayers.

RESOLUTION # 2006-391

WHEREAS, payments for 2006 first half taxes have been received from the former assessed owner, K. Hovnanian at Marlboro VIII, in the amount of \$1,123.13 for Block 360.02 Lot 18.26, located on Rutledge Road, based upon the preliminary bill, and,

WHEREAS, the 2006 taxes are now assessed to the Township of Marlboro and are exempt,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$1,123.13 to K. Hovnanian at Marlboro VIII.

RESOLUTION # 2006-392

WHEREAS, the Monmouth County Board of Taxation has granted a judgment in the amount of \$1,760.10 for the year 2006 on Block 160.03 Lot 13, located at 407 Gallya Grove, assessed to Gal M. & Sherone U. Noyman,

WHEREAS, the 2006 taxes have an unpaid balance, the Tax Collector is directed to apply the amount of \$1,760.10 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$1,760.10 as noted above.

RESOLUTION # 2006-393

WHEREAS, the Tax Court of New Jersey has granted a judgment whereby increasing the 2006 assessment on Block 299 Lot 1, located at 340 Route 9, assessed to Exclusive Plaza LLC,

WHEREAS, this judgment results in an increase of the 2006 taxes in the amount of \$8,228.00,

WHEREAS, the 2006 taxes have an unpaid balance, the Tax Collector is directed to apply this increase of \$8,228.00 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply this increase of \$8,228.00 as noted above.

RESOLUTION # 2006-394

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$43,524.94 for the year 2006 on Block 355 Lot 3.01, located at 3 South Main Street, assessed to Sunrise Marlboro Assisted Living,

WHEREAS, the 2006 taxes have an unpaid balance, the Tax Collector is directed to apply the amount of \$43,524.94 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$43,524.94 as noted above.

RESOLUTION # 2006-395

RESOLUTION CANCELING 2006 TAXES ON THE PROPERTY LEASED
BY THE MIDWAY MOBILE HOMEOWNER'S ASSOCIATION AT
BLOCK 147, LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which property is leased to the Midway Mobile Homeowner's Association (hereinafter the "tenant") and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2006 real estate taxes assessed against the property must be canceled.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the 2006 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$15,577.04, are hereby canceled.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Midway Mobile Homeowner's Association
 - b. Shirley Giaquinto, Tax Collector
 - c. Walter Kosul, Tax Assessor

RESOLUTION # 2006-396

WHEREAS, Tax Sale Certificate 06-12 for Block 279 Lot 13, assessed to William & Joan Botwinick, located at 35 Guest Drive, has been redeemed in the amount of \$19,338.00,

WHEREAS, the holder of the above-mentioned tax sale certificate, Wachovia-Cust/SASS Muni V Dtr, is entitled to the amount of the sale plus interest and costs totaling \$19,338.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$19,338.00 be refunded to the holder of said certificate as above.

RESOLUTION # 2006-397

A RESOLUTION AUTHORIZING THE CANCELLATION OF
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, there are property taxes that remain outstanding and unpaid relating to the following property as designated on the Marlboro Township Tax Map: Block 153, Lot 10.05, located on Beacon Hill Road; and

WHEREAS, the aforesaid property consist of a detention basin which has been previously dedicated to the Township in accordance with approvals granted by the Marlboro Township Planning Board and is now assessed to the Township of Marlboro; and

WHEREAS, in light of the same, it has been determined that the outstanding taxes, as set forth below, are uncollectible, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

1. That the following taxes, which have been determined to be uncollectible, are hereby cancelled:

Block 153 Lot 10.05

Balance of 2004 Taxes:	\$ 5.57
Total 2005 Taxes:	\$808.55
Total 2006 Taxes:	\$849.13

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Tax Collector
- b. Township Assessor
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 2006-398

WHEREAS, there are taxes for the second half of the year 2006 that remain outstanding on the following property as designated on the Marlboro Township Tax Map; Block 159 Lot 10.20, located on Saratoga Road,

WHEREAS, the aforementioned property is now assessed to the Township of Marlboro and is exempt as of July 14th, 2006,

WHEREAS, the Township Tax Collector has recommended that the 2006 second half taxes be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2006 second half taxes totaling \$1,001.65 as stated above.

RESOLUTION # 2006-399

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2006 for Block 371 Lot 230, located on 49 Caldwell Terrace, assessed to Helen Hansen,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 to the above-mentioned taxpayer.

At 10:50PM, Council President Morelli moved that the meeting go into executive session for reason of discussing property acquisition and contract negotiations. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor and Pernice).

RESOLUTION # 2006-400

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 19th day of October, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely acquisition of property and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain

confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:05PM, Council President Morelli moved that the meeting be opened. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor and Pernice).

At 11:06PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor and Pernice).

MINUTES APPROVED: November 13, 2006

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Morelli

NAYS: 0

ABSENT: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT